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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CITY OF HENDERSON

Appellant(s)

vs.

BASIC WATER COMPANY; BASIC WATER
COMPANY SPE 1 LLC; BANK OF NEVADA

Appellee(s)

Case No.: 2:23-cv-01373-APG
Appeal Reference No.: 23-17

BK Case No.: 22-13252-mkn
Chapter: 11

**STIPULATION AND ORDER TO STAY
APPEAL PENDING CONFIRMATION
OF PROPOSED PLAN**

Jointly administered with:
Basic Water Company SPE 1, LLC,
Case No. 22-13253-MKN

City of Henderson (“COH” or “Appellant”), by and through its undersigned counsel, the law firm of Carlyon Cica Chtd., and Appellees Basic Water Company (“BWC”), Basic Water Company SPE 1, LLC (“SPE”) and Bank of Nevada (“BOA”) by and through its undersigned counsel of record hereby stipulate and agree as follows:

WHEREAS, on August 15, 2023 the Bankruptcy Court entered its Order on Motion for Allowance and Payment of Administrative Claim¹ [ECF No. 465]; and

WHEREAS, on August 28, 2023, COH filed its Notice of Appeal and Statement of Election [ECF No. 482]; and

¹ All references to “ECF No.” are to the numbers assigned to the documents filed in the bankruptcy case as they appear on the docket maintained by the clerk of the court.

1 WHEREAS on September 5, 2023 the Notice of appeal was docketed with to United States
2 District Court

3 WHEREAS, Debtors, Basic Water Company and Basic Water Company SPE 1, LLC, have
4 reached an agreement with respect to the subject matter of this appeal, which is subject to approval
5 through the Debtors' pending First Amended Joint Plan of Reorganization for Basic Water
6 Company and Basic Water Company SPE 1, LLC under Chapter 11 of the Bankruptcy Code dated
7 August 25, 2023 [ECF No. 473] (the "Plan"), which is currently set for hearing on October 10, 2023
8 at 9:30 a.m.; and

9 WHEREAS, the Parties anticipate that this appeal will be resolved via confirmation of the
10 Plan; and

11 WHEREAS, the Parties anticipate that the Effective Date of the Plan will occur prior to
12 December 31, 2023:

13 **IT IS HEREBY STIPULATED** that the Appeal is hereby stayed through and including
14 December 31, 2023.

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1 **IT IS FURTHER HEREBY STIPULATED** that, if the Appeal is not dismissed prior to
2 December 1, 2023, Appellant shall file a status report with the Court on or before December 15,
3 2023.

4 **IT IS SO STIPULATED**

5 **CARLYON CICA CHTD.**

6 By: /s/ Candace Carlyon
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21 **ORDER**

22 **IT IS SO ORDERED:**

23 _____
24 UNITED STATES DISTRICT COURT JUDGE

25 DATED: _____
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